



**IN THE
TENTH COURT OF APPEALS**

No. 10-10-00142-CV

RONALD LEE FINN,

Appellant

v.

**THE CITY OF WACO AND/OR WACO
INDEPENDENT SCHOOL DISTRICT,**

Appellees

**From the 170th District Court
McLennan County, Texas
Trial Court No. 2009-976-4**

MEMORANDUM OPINION

A notice of appeal by Ronald Lee Finn was filed on April 12, 2010. Finn has not filed a docketing statement. Twice, the Clerk of this Court notified Finn by letter of the need to file a docketing statement. With the second notification, the Clerk warned Finn that if the docketing statement was not filed within 21 days from the date of the letter, the appeal would be dismissed without further notification. More than 21 days have passed and Finn has not filed a docketing statement.

Accordingly, this appeal is dismissed. TEX. R. APP. P. 42.3(c).

Absent a specific exemption, the Clerk of the Court must collect filing fees at the time a document is presented for filing. TEX. R. APP. P. 12.1(b); Appendix to TEX. R. APP. P., Order Regarding Fees (Amended Aug. 28, 2007, eff. Sept. 1, 2007). *See also* TEX. R. APP. P. 5; 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. § 51.207(b); § 51.941(a) (Vernon 2005); and § 51.208 (Vernon Supp. 2009). Under the circumstances, we use Rule 2 to suspend this requirement and order the Clerk to write off all unpaid fees in this proceeding. TEX. R. APP. P. 2. Further, the write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed by the person against whom they are assessed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis
Appeal dismissed
Opinion delivered and filed July 28, 2010
[CV06]